



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:

Permanent Rules

☐ 31 days after filing.
☒ Other (specify) December 1, 2006 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of this rulemaking is to adopt language that will increase fuse length burn time from seventy to ninety seconds and will eliminate the relighting of fuses. This change was recommended by the National Ski Area Association, in conjunction with the Washington Avalanche Control Council, and was prompted by a fatality in the industry.

In addition, the use of explosives for avalanche control is currently found in the WAC chapter that applies only to ski operations. The department moved the avalanche control language from Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations into Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives, which broadens avalanche control operations under the explosives rule and makes it applicable to everyone in the State. See Attachment 1.

Citation of existing rules affected by this order:

See attachment 2.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Other authority : None

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-13-079 on June 20, 2006.

Describe any changes other than editing from proposed to adopted version: See attachment (3).

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: September 19, 2006

NAME (TYPE OR PRINT)

Gary K. Weeks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR# 06-19-074

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>8</u>	Amended	<u>14</u>	Repealed	<u>7</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>8</u>	Amended	<u>14</u>	Repealed	<u>7</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>8</u>	Amended	<u>14</u>	Repealed	<u>7</u>
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTIONS:

WAC 296-52-66053 Altering or destroying a licensed magazine.

- Moved requirements relating to altering or destroying a licensed magazine from WAC 296-52-66050 to this section.

WAC 296-52-66057 Transfer, sale or lease of a magazine or mobile storage site.

- Moved requirements relating to transfer, sale or lease of a magazine or mobile storage site from WAC 296-52-66055 to this section.

WAC 296-52-800 Avalanche control.

- Moved requirements relating to avalanche control from WAC 296-59-100 to this section.

WAC 296-52-802 Acceptable warning signs for typical avalanche control devices (duds).

- Moved requirements relating to acceptable warning signs for typical avalanche control devices (duds) from WAC 296-59-102 to this section.

WAC 296-52-803 Storage, makeup, and use of explosives for avalanche control blasting.

- Moved requirements relating to storage, makeup, and use of explosives for avalanche control blasting from WAC 296-59-103 to this section.

WAC 296-52-805 Hand charge makeup methods.

- Moved requirements relating to hand charge makeup methods from WAC 296-59-105 to this section.

WAC 296-52-807 Avalanche control blasting.

- Moved requirements relating to avalanche control blasting from WAC 296-59-107 to this section.

WAC 296-52-809 Retrieving misfired explosives (duds).

- Moved requirements relating to retrieving misfires or duds from WAC 296-59-109 to this section

AMENDED SECTIONS:

WAC 296-52-60015 Coverage.

- Added language to this section relating to what this chapter covers.

WAC 296-52-60020 Exemptions.

- Removed some language and reserved the section (1)(g)

WAC 296-52-60130 Definitions.

- Added and updated definitions.

WAC 296-52-61040 Reasons why applicants may be disqualified.

- Added language to this section relating to blaster's license.

WAC 296-52-64005 Responsibility to obtain a blaster's license.

- Added language to this section relating to aerial blasting.
- Clarified language to this section relating to law enforcement.

WAC 296-52-64030 List A qualifications.

- Added language to this section relating to aerial blasting.

WAC 296-52-66050 Moving, altering, or destroying a licensed magazine.

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- Clarified language to this section relating to owners of magazines.

WAC 296-52-67090 Initiation systems.

- Clarified language in this section relating to blast areas.

WAC 296-52-68025 Transportation of workers.

- Added language to this section relating to seat belts.

WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or non mass detonating detonators storage facilities.

- Changed the title of this section to read non mass detonating rather than electric.

WAC 296-59-005 Incorporation of other standards.

- Deleted language relating to the transportation, storage and use of commercial explosives.

WAC 296-59-007 Definitions.

- Removed language relating to explosives.

WAC 296-59-015 General requirements.

- Added language relating to warning signs for avalanche work in ski areas.

(2) Citation of existing rules affected by this order:

AMENDED SECTIONS:

Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives

WAC 296-52-60015, Coverage.

- Added language to this section relating to what this chapter covers.

WAC 296-52-60020 Exemptions.

- Removed some language and reserved the section (1)(g)

WAC 296-52-60130 Definitions.

- Added and updated definitions.

WAC 296-52-61040 Reasons why applicants may be disqualified.

- Added language to this section relating to blaster's license.

WAC 296-52-64005 Responsibility to obtain a blaster's license.

- Added language to this section relating to aerial blasting.
- Clarified language to this section relating to law enforcement.

WAC 296-52-64030 List A qualifications.

- Added language to this section relating to aerial blasting.

WAC 296-52-66050 Moving, altering, or destroying a licensed magazine.

- Clarified language to this section relating to owners of magazines.

WAC 296-52-67090 Initiation systems.

- Clarified language in this section relating to blast areas.

WAC 296-52-68025 Transportation of workers.

- Added language to this section relating to seat belts.

WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or non mass detonating detonators storage facilities.

- Changed the title of this section to read non mass detonating rather than electric.

Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations.

WAC 296-59-005 Incorporation of other standards.

- Deleted language relating to the transportation, storage and use of commercial explosives.

WAC 296-59-007 Definitions.

- Removed language relating to explosives.

WAC 296-59-015 General requirements.

- Added language relating to warning signs for avalanche work in ski areas.

REPEALED SECTIONS:

Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives

WAC 296-52-66055 Transfer or lease of a magazine or mobile storage site.

- Moved this section to chapter 296-52-66057

Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations.

WAC 296-59-100 Avalanche control.

- Moved this section to chapter 296-52 WAC.

WAC 296-59-102 Acceptable warning signs for typical avalanche control explosive device(s) duds.

- Moved this section to chapter 296-52 WAC.

WAC 296-59-103 Storage, makeup, and use of explosives for avalanche control blasting.

- Moved this section to chapter 296-52 WAC.

WAC 296-59-105 Hand charge makeup methods.

- Moved this section to chapter 296-52 WAC.

WAC 296-59-107 Avalanche control blasting.

- Moved this section to chapter 296-52 WAC.

WAC 296-59-109 Retrieving misfires or duds.

- Moved this section to chapter 296-52 WAC.

Changes other than editing from proposed to adopted version

(3) Describe any changes other than editing from proposed to adopted version:

Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives

WAC 296-52-60130 Definitions.

- Clarified the definitions of “Dud”.
- Added the definition of “No-light”.

WAC 296-52-800 Avalanche control.

- Replaced the words “slopes, trails, roads and highways” with “areas”.
- Replaced the words “Not be opened until the work is completed” with “be closed until the risk of avalanches has been reduced to a level determined appropriate by trained personnel”.

WAC 296-52-802 Acceptable warning signs for typical avalanche control devices (duds).

- The wording under the third sign was change from “brown color” to “colored”.

WAC 296-52-803 Storage, makeup, and use of explosives for avalanche control blasting.

- Deleted the word “fuse” between nonelectric cap and added the words “or shock tube” after nonelectric cap.

WAC 296-52-805 Hand charge makeup methods.

- Deleted the words “(i.e., primacord).”

WAC 296-52-807 Avalanche control blasting.

- Relocated and clarified the wording “The practice of double fusing hand charges shall be allowed;” to read “The practice of double fusing hand charges shall be allowed. An attempt shall be made to light both fuses. If only one of the two fuses lights, the charge shall be deployed as normal”.
- Relocated and clarified the wording “All personnel shall proceed immediately along the escape route as soon as an ignited charge is thrown” to read “All personnel shall be in a safe place when the charge detonates.”
- Changed “Avalancher” to “Avalauncher” throughout the rule.
- Added wording to “The ignition system for single hand charge blasts shall be safety fuse and cap” to now read “The ignition system for single hand charge blasts shall be safety fuse and cap or a system approved by the department”.

WAC 296-52-809 Retrieving misfires or duds.

- Changed the title to read “Retrieving misfired explosives (or duds).”
- Replaced the term “dud” with “misfired explosives”.